

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Steve N.,

Case No. 21-cv-2312 (DJF)

Plaintiff,

v.

ORDER

Kilolo Kijakazi,

Defendant.

Plaintiff Steve N. requests *in forma pauperis* (“IFP”) status on appeal from this action’s dismissal (“IFP Application”) (ECF No. 43).¹ For the following reasons, the Court denies his IFP Application.

“The central question [when assessing an application to proceed IFP] is whether the movant can afford the costs of proceeding without undue hardship or deprivation of the necessities of life.” *Ayers v. Tex. Dep’t of Crim. Justice*, 70 F.3d 1268, 1268 (5th Cir. 1995) (per curiam) (citing *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339–40 (1948)); *see also*, e.g., *Salin v. Indus. Bldg. Prod.*, No. 20-CV-2290 (PJS/LIB), 2021 WL 7186801, at *1 (D. Minn. Feb. 5, 2021) (quoting *Ayers*). Plaintiff’s IFP Application states (among other things) that (1) for the last twelve months, Plaintiff has earned over

¹ Plaintiff prepared the IFP Application on a template form for applying to proceed IFP in district court, but the Court assumes (given this action’s procedural posture) that he is in fact applying to proceed IFP on appeal.

\$7,300 a month in “[i]nterest and dividends,” and (2) he expects no “major changes to [his] monthly income or expenses.” (*See* ECF No. 43 at 1, 5.)

Given this amount of monthly income, the Court concludes that Plaintiff can “afford the costs of proceeding [here] without undue hardship or deprivation of the necessities of life.” The Court therefore denies Plaintiff’s IFP Application.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Plaintiff Steve N.’s application to proceed *in forma pauperis* on appeal (ECF No. [43]) is **DENIED**.
2. The Clerk of Court is **ORDERED** to notify the U.S. Court of Appeals for the Eighth Circuit that the district court has denied Plaintiff’s motion to proceed *in forma pauperis* on appeal.

Dated: April 17, 2023

s/ Dulce J. Foster
DULCE J. FOSTER
United States Magistrate Judge